REMARKS

Applicant acknowledges receipt of the Examiner's Office Action dated March 28, 2006. This Office Action rejected all pending claims. Specifically, the Office Action rejected claims 1-3, 7, 8, 9-13, 17-24 and 28-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,636,50 issued to Wang et al. ("Wang"). Dependent claims 4-6, 8, 14-16 and 25-27 were rejected as being unpatentable over Wang in view of U.S. Patent No. 6,684,242 issued to Bahlman et al. ("Bahlman"). In light of the following remarks, Applicants respectfully request the Examiner's reconsideration and reexamination of all pending claims.

Independent claim 1 recites:

> 1. A method of converting a personal computer for communicating information on a broadband communication network, said personal computer having a user and a physical location, comprising:
> determining whether said physical location falls within a set of service boundaries for said broadband communication network;
> if said physical location falls within said service boundaries, electronically offering said user access to said broadband communication network;
> receiving from said user an electronic order accepting said offer;
> remotely qualifying said personal computer for said broadband communication network by determining whether said personal computer meets predetermined acceptance criteria for use of said broadband communication network; and
> fulfilling said order by
> initiating an automation agent on said personal computer to interact with the user and thereby configure a modem coupled to said personal computer for access to said broadband communication network, and
> automatically configuring an asset of said broadband communication network to communicate with said personal computer, wherein
> said automatically configuring said asset is performed by an automation server of said broadband communication network.

Independent claim 1 recites automatically configuring an asset of said broadband communication network, "wherein said automatically configuring said asset is performed by an automation server of said broadband communication network." The Office Action fails to assert that Wang teaches "said automatically configuring said asset is performed by an automation server of said broadband communication network. The failure to assert that Wang teaches this limitation may be a simple oversight by the Examiner since, in the Non-Final Office Action dated October 3, 2005, the Examiner asserted that column 6, lines 46-49 of Wang teaches, "automatically configuring said asset is performed by an automation server of said broadband communication network." Applicant will assume the Examiner meant to reassert this argument, but Applicant requests the Examiner to confirm the assumed oversight.

Column 6, lines 46-56 of Wang teaches:

> In accordance with a preferred embodiment of the present invention, an ILMI based automated service provisioning method is provided. The method will be described with reference to a user having an ADSL connection to the network service provided 30 which is preferred. However, this method may also be used in an DLS or a HDSL environment. The interface, management flow, and transport between DDLAM 90, CPE 110, and network management system (not shown are defined to support automated service provisioning of the subscribers CPE 110 when connected to the network.

This cited section of Wang describes automated service provisioning of the subscribes CPE 110. This cited section of Wang does not teach *automated* service provisioning of an asset of the broadband communication network. In fact, Wang teaches away from automatically configuring a network asset. For example, Figure 2 of Wang indicates that, in a preferred embodiment of the invention, an engineer is responsible for manually configuring the network 60 at the network service provider's central office. Assets that are indicated to be configured by the engineer include network 60, and networks core ATM network 80, the service providers wide area concentrator (not shown in Figure 2) and DESLAM 90. See Wang, column 9, lines 23-33. As such, Wang indicates that manual configuration of network assets is required in the system of Wang.

In the Final Office Action dated March 28, 2006, the Examiner asserts the broadband asset can be any device on the network, including the modem of the personal computer. However, this argument misses the fact that claim 1 clearly distinguishes between a modem and a broadband asset. Specifically, claim 1 requires configuring (1) a modem, and (2) an asset of said broadband communication network, wherein configuration of the asset is automatically performed by an automation server of said broadband communication network. Importantly, claim 1 recites configuring a modem *coupled* to said personal computer for access to the broadband communication network that contains the *asset*. In other words, the *modem* is configured to enable access to the broadband communication network that contains the *asset*. Claim 1 makes clear that the modem and the asset are separate entities since the asset is contained in the broadband communication network for which the modem is configured. In the Final Office Action, the Examiner asserts that the asset of a broadband communication network does not further limit the invention; this asset

can be any device on the network including the modem and the personal computer. Applicant asserts that since the modem is configured for access to the broadband communication that contains the asset does further limit the invention of claim 1. In other words, claim 1 recites a modem and a broadband communication network asset, which are two separate entities. Applicant asserts it is improper to equate Wang's modem with claim 1's broadband communication network asset and claim 1's modem.

Lastly, the Office Action asserts that the rejection is modified to include specific portions of the Wang reference which also teach the update of the MIB (management information base) of the ATM. While Wang may teach updating of the MIB, Wang does not teach or fairly suggest that the update of the MIB is automatically performed by an automation server of said broadband communication network, either alone or in combination with the remaining limitations of independent claim 1. For these reasons, Applicant asserts that independent claim 1is patentably distinguishable over the cited sections of Wang.

Independent claims 11, 30, 31, and 33 recite limitations similar to those described above. For example, independent claim 30 recites configuring an asset of a broadband communication network to communicate with a personal computer, wherein said asset is performed by an automation server of said broadband communication network, and initiating an automation agent on said personal computer to configure a modem coupled to said computer to communicate with said broadband communication network. Because independent claims 11, 30, and 33 contain limitations similar to that argued above, Applicant submits that these independent claims are likewise patentably distinguishable over Wang.

The remaining limitations depend from claims 1, 11, and 30. Insofar as these claims have been found to be patentably distinguishable, it follows that the dependent claims are likewise patentably distinguishable.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5093.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on 6/19/06.

Attorney for Applicant(s) — Date of Signature 6/19/06

Respectfully submitted,

Eric A. Stephenson
Attorney for Applicant(s)
Reg. No. 38,321
Telephone: (512) 439-5093
Facsimile: (512) 439-5099